

BAKER BOTTS L.L.P.

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Attorneys for Defendants

Whirlpool Corp., Whirlpool Patents Co.,

Whirlpool Manufacturing Corp., and Maytag Corp.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LG ELECTRONICS U.S.A., INC., LG
ELECTRONICS, INC., & LG ELECTRONICS
MONTERREY MEXICO, S.A., DE, CV,

Plaintiffs,

v.

WHIRLPOOL CORP., WHIRLPOOL
PATENTS CO., WHIRLPOOL
MANUFACTURING CORP., and MAYTAG
CORP.

Defendants.

CIVIL ACTION

Civil Action No. 2:08-cv-1869

HONORABLE JUDGE FAITH S. HOCHBERG

**DEFENDANTS' NOTICE OF MOTION
AND MOTION TO DISMISS COUNTS
FOUR AND FIVE OF PLAINTIFFS'
COMPLAINT**

ORAL ARGUMENT REQUESTED

TO: Richard L. Stroup
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Attorneys for Plaintiffs

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE, that on June 2, 2008, at 9:00 a.m., or as soon thereafter as counsel may be heard, Defendants Whirlpool Corp., Whirlpool Patents Co., Whirlpool Manufacturing Corp., and Maytag Corp., by and through their counsel, Baker Botts L.L.P., will move before the Honorable Faith S. Hochberg of the United States District Court, District of New Jersey, at the Martin Luther King, Jr. Federal Building & United States Courthouse, 50 Walnut Street, Newark, New Jersey, for an order granting Defendants' Motion to Dismiss Counts Four and Five of Plaintiffs' Complaint.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Defendants rely on the accompanying Memorandum of Law, the Declaration of Richard B. Harper, filed concurrently herewith, and on such oral argument as may be presented by counsel at the time of the hearing of this motion, as well as all other matters this Court deems to be appropriate.

Dated: May 1, 2008

Respectfully submitted,

BAKER BOTTS L.L.P

By: /s/ Richard B. Harper
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*Attorneys for Defendants
Whirlpool Corp., Whirlpool Patents
Co., Whirlpool Manufacturing
Corp., and Maytag Corp.*

PROOF OF SERVICE

On May 1, 2008, I served a true and correct copy of the documents described as:
Defendants' Notice of Motion and Motion to Dismiss Counts Four and Five of Plaintiffs' Complaint; Defendants' Memorandum of Law in Support of Motion to Dismiss Counts Four and Five of Plaintiffs' Complaint; the Declaration of Richard B. Harper and Proposed Order on the following interested party in this action:

Richard L. Stroup
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Attorneys for Plaintiffs

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Attorneys for Plaintiffs

I caused the foregoing documents to be enclosed in a sealed envelope, for overnight delivery on the individuals identified above as indicated herein. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing and know that, in the ordinary course of Baker Botts' business practice, the documents described above would be deposited for overnight delivery on that same day at New York, NY, in ordinary course of business. I am aware that on motion of the party served, service is presumed to be invalid if the postal cancellation date, or postage meter date, is more than one day after the date of deposit for mailing set forth in this declaration. I also caused these documents to be sent to the above via email.

May 1, 2008
Date

By: _____
/s/ Richard B. Harper
Richard B. Harper (RH 5979)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LG ELECTRONICS U.S.A., INC., LG
ELECTRONICS, INC., & LG ELECTRONICS
MONTERREY MEXICO, S.A., DE, CV,

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PATENTS CO., WHIRLPOOL
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Defendants.

CIVIL ACTION

Civil Action No. 2:08-cv-1869

HONORABLE JUDGE FAITH S. HOCHBERG

**[PROPOSED]ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS COUNTS FOUR AND FIVE
OF PLAINTIFFS' COMPLAINT**

The Court, having considered the motion of Defendants Whirlpool Corp., Whirlpool Patents Co., Whirlpool Manufacturing Corp., and Maytag Corp. to dismiss Counts Four and Five of Plaintiffs' Complaint, and all submissions related thereto, including the opposition of Plaintiffs' LG Electronics U.S.A., Inc., LG Electronics, Inc., and LG Electronics Monterrey Mexico, S.A., DE, CV thereto, finds that this Court has no jurisdiction to hear the subject matter of those Counts, and all claims therein. Accordingly, it is ORDERED that: Counts Four and Five of Plaintiffs' Complaint, and all claims therein, are dismissed.

United States District Judge

Date